

DAVIS WRIGHT TREMAINE LLP

THOMAS R. BURKE (SBN 141930)
JEFF GLASSER (SBN 252596)
DAVIS WRIGHT TREMAINE LLP
505 Montgomery Street, Suite 800
San Francisco, California 94111-6533
Telephone: 415.276.6500
Facsimile: 415.276.6599
thomasburke@dwt.com; jeffglasser@dwt.com

Attorneys for Plaintiff JEFFREY MARTINS

ADDITIONAL COUNSEL ON NEXT PAGE

MELINDA HAAG (CSBA 132612)
United States Attorney
ALEX G. TSE (CSBN 152348)
Chief, Civil Division
ABRAHAM A. SIMMONS (CSBN 146400)
Assistant United States Attorney

U.S. Attorney's Office/Civil Division
450 Golden Gate Avenue, 9th Floor
San Francisco, California 94102-3495
Telephone: (415) 436-7264
Facsimile: (415) 436-6748
Email: abraham.simmons@usdoj.gov

Attorneys for Defendants

IN THE UNITED STATES DISTRICT COURT
THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

JEFFREY MARTINS,

Plaintiff,

v.

UNITED STATES CITIZENSHIP AND
IMMIGRATION SERVICES, an agency of the
United States Department of Homeland Security;
UNITED STATES DEPARTMENT OF
HOMELAND SECURITY; ALEJANDRO
MAYORKAS, in his official capacity as Director
of United States Citizenship and Immigration
Services; JANET NAPOLITANO, in her official
capacity as Secretary of the Department of
Homeland Security,

Defendants.

) Case No. C 13-00591 LB

)
) **JOINT CASE MANAGEMENT**
) **CONFERENCE STATEMENT AND**
) **JOINT REQUEST FOR CONTINUANCE**
) **OF CONFERENCE;**
) **PROPOSED ORDER**

) Date: October 31, 2013
) Time: 11:00 a.m.
) Courtroom C – 15th Floor
) Hon. Laurel Beeler
) United States Magistrate Judge

DAVIS WRIGHT TREMAINE LLP

Additional Counsel:

ROBIN L. GOLDFADEN (SBN 208055)
LAWYERS' COMMITTEE FOR CIVIL RIGHTS
OF THE SAN FRANCISCO BAY AREA
131 Steuart Street, Suite 400
San Francisco, CA 94105
Telephone: 415.543.9444 ext. 201
Facsimile: 415.543.0296
rgoldfaden@lccr.com

The parties hereby submit the following Joint Case Management Conference Statement and request for continuance.

STATUS AND REQUEST FOR CONTINUANCE

In this lawsuit, Plaintiff has sought (1) the prompt release of the asylum interview records sought by his FOIA requests, (2) a declaratory judgment that Defendants' policy and practice of withholding Asylum Officer notes in response to FOIA requests by asylum applicants or their legal counsel violates the Administrative Procedure Act and FOIA, (3) an injunction enjoining Defendants from continuing to withhold such records in the future on the basis of the "deliberative process" privilege, and (4) attorneys fees.

By order dated July 3, 2013, this Court granted Plaintiff's motion for a preliminary injunction. [Docket No. 28] On July 18, 2013, the parties participated in a settlement conference and agreed on the parameters of a possible settlement. [See Docket Nos. 29-31.] As of October 23, 2013, Defendants are taking issue with Plaintiff's requested attorneys' fees and the parties are in the process of seeking the assistance of the settlement magistrate judge (Chief Magistrate Judge Laporte) to resolve this remaining issue.

The parties believe it would be best to hold a case management conference after at least an initial discussion with the Chief Magistrate Judge has been held. Accordingly, the parties respectfully request that the case management conference currently scheduled for October 31, 2013, be continued until November 18, 2013.

DATED: October 23, 2013.

DAVIS WRIGHT TREMAINE LLP

By: /s/ Thomas R. Burke
THOMAS R. BURKE
Attorneys for Plaintiff JEFFREY
MARTINS

DATED: October 23, 2013.

MELINDA HAAG
UNITED STATES ATTORNEY

By: /s/ Abraham A. Simmons
ABRAHAM A. SIMMONS
Assistant United States Attorney
Attorneys for Federal Defendants

~~PROPOSED~~ ORDER

The Court finds that just cause exists to continue the Case Management Conference until November 18, 2013. The Case Management Conference is reset to November 21, 2013 at 11:00 a.m. A Joint Case Management Statement (with updated

IT IS SO ORDERED. information only) due November 14, 2013.

DATED: October 25, 2013



Laurel Beeler
United States Magistrate Judge

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